

**BOARD OF REGISTRATION IN PHARMACY
PHARMACY BOARD MEETING MINUTES
TUESDAY, FEBRUARY 25, 2003
239 CAUSEWAY STREET, ROOM 206
BOSTON, MASSACHUSETTS 02114**

The meeting was called to order by President Donna Horn at 9:30 a.m.

The following Board members were present: Donna Horn, R.Ph., Pres., Robert P. Paone, R.Ph., Pharm.D., Sec, Harold B. Sparr, R.Ph., MS, Karen M. Ryle, R.Ph., MS, and Marilyn M. Barron, MSW, Public Member (10 a.m.).

Absent: James T. DeVita, R.Ph. and Dan Sullivan, R.Ph.

The following Board staff were present: Charles R. Young, R.Ph., Exec. Dir., Susan Manning, J.D., Counsel, James D. Coffey, R.Ph., Assoc. Dir., James C. Emery, C.Ph.T., Healthcare Investigator, and Leslie S. Doyle, R.Ph., Healthcare Supervisor.

AGENDA ITEMS

1. 9:30 a.m. Call to Order
2. 9:30 a.m. to 10:10 a.m. Investigative Conference: DS-03-029 & PH-03-036
In the matter of Eaton Apothecary, 47 Elm St., Danvers, MA 01923 (Permit #2530) and William R. Caperci, R.Ph. (License # 20435)

The complaint alleged that on September 28, 2002 the Registrant dispensed Morphine 20mg/ml labeled incorrectly as 20mg/5ml rather than Morphine 20mg/ml as prescribed while employed at above noted Eaton Apothecary.

Present:

Complainant: Not present

Registrant: William R. Caperci

Manager of Record: William R. Caperci

Eaton Apothecary: Not present

Investigator: Leslie S. Doyle

CEs: Registrant compliant.

Registrant received an Advisory Letter from the Board in 2002 regarding a dispensing error. In this matter, Registrant stated he picked the wrong strength of medication from the computer menu and rushed to fill the order to get the medication delivered to the nursing home. The pharmacy computer system was corrected after the incident.

Board Decision: Motion/Sparr to take the Registrant matter under advisement. Second/Paone. The motion carried.

Motion/Sparr to propose Reprimand referencing to age specific therapeutic dosing consideration

and completion of both a USP medication Error Report and a 2-hour medication error reduction CE program. Second/Ryle. Discussion. Vote: In Support-Sparr, Ryle and Barron. Opposed-Horn and Paone. The motion carried.

Motion/Sparr to take the Eaton Apothecary matter under advisement and send 105 CMR 720 to the pharmacy (interchange labeling requirements). Eaton Apothecary (Wayne Gunther) and TechRx representatives will be scheduled to appear to discuss the matter. Second/Ryle. The motion carried.

3. 10:10 a.m. to 10:50 a.m. Investigative Conference: DS-03-012 & PH-03-040
In the matter of Brooks Pharmacy #565, 653 Squire Rd., Revere, MA 02151 (Permit #3136) and Alexander Przybylski, R.Ph., (License #15763)

The complaint alleged that on May 29, 2002, the Registrant dispensed Tobradex ophthalmic eye drops instead of Tobrex as prescribed while employed at above noted Brooks Pharmacy.

Present:

Complainant: Present

Registrant: Alexander Przybylski

Manager of Record: Alexander Przybylski

Brooks: Robert Bryant

Investigator: Leslie S. Doyle

Recused: Donna Horn (exited conference room)

CEs: Registrant compliant

Complainant stated concerns about prescription error related to typed prescription. Complainant used three bottles of the wrong medication over a course of three months (dosed three times daily. No offer to counsel was made. Complainant contacted the Brooks corporate office received no response.

Registrant apologized to the consumer and stated it is not policy to review hardcopy prescriptions on the first refill. Pharmacy software system does not have image technology. Tobradex and Tobrex have been separated on dispensing shelves and basket filling method implemented.

Brooks Rep. (Bryant) stated patient may not have been contacted by the corporate office due to corporate transition.

Board Decision: Motion/Sparr to issue an Advisory Letter to Registrant requiring completion of a USP Medication Error Report and a 2-hour medication error reduction CE program. Second/Ryle. The motion carried.

Motion/Ryle to issue an Advisory Letter to Brooks Pharmacy #565, including recommendations to implement policy requiring prescriptions or electronic images be reviewed by pharmacist on 1st refill and the Pharmacy Specialist (Bryant) shall both reinforce the "offer to counsel" requirement with pharmacies in his district and inquire with the Brooks corporate office

regarding the feasibility of incorporating "Tall-Man Lettering" onto prescription labels for look alike and sound alike medications. Second/Sparr. The motion carried.

4. 11 a.m. to 11:40 a.m. Investigative Conference: PH-03-035
In the matter of Robert E. Cataldo, R.Ph. (License #17177)

Complaint alleged discipline in Michigan. Mass. license status: current 12/31/2004

Present:

Registrant: Robert E. Cataldo

Investigator: Leslie S. Doyle

Registrant's Michigan pharmacy license was suspended for one year. He has not been in contact with the Michigan Board to reinstate his license.

The Registrant stated that he had complied in part with Michigan requirements. General discussion concerning Registrants medical condition.

He is not currently employed in the practice of pharmacy. The Registrant said his physician in Michigan prescribes his current medication regimen.

Board Decision:

Motion/Sparr to refer the Registrant to MPRS for assessment. Second/Ryle. The motion carried.
Motion/Sparr to propose consent agreement with MA discipline concurrent with the Michigan Board with reinstatement in MA contingent with Michigan. Second/Paone. The motion carried.

5. 11:40 a.m. to 12:20 p.m. Investigative Conference: DS-03-023 & PH-03-033
In the matter of Brooks Pharmacy #250, 237 Broadway Street, Taunton, MA 02780 (Permit #2447) and James Doolittle, R.Ph. (License #21107)

Complaint alleged that on September 23, 2002, the Registrant dispensed Clozaril 100mg rather than Clozaril 25mg as prescribed (a refill) while employed at Brooks Pharmacy.

Present for discussion:

Registrant: James Doolittle

Manager of Record: James Doolittle

Brooks: Steve Horn

Investigator: Leslie S. Doyle

Recused: Donna Horn (exited conference room).

CEs: Registrant compliant.

The Registrant previously appeared regarding a medication error and that contrary to Investigator's Report, the medication was administered for four days not 19. He believed the error resulted because the blister pack was not properly visually checked. The pharmacy does use basket method; however, blister packs would not likely fit in a basket. The Registrant said the medication error was a refill.

Brooks Rep. (Horn) stated that there is no time stamp in the computer regarding prescription processing. The new Brooks computer system will provide bar code scanning, image technology and prescription time stamping. The pharmacy will utilize both the basket system and a revised work flow.

Board Decision: Motion/Sparr to take the Registrant matter under advisement until such time that additional information related to a referenced prior complaint history is reviewed by the Board. Second/Ryle. The motion carried.

Motion/Ryle to take the Brooks Pharmacy #250, matter under advisement. Second/Sparr. The motion carried.

Rediscussion: Motion/Ryle to offer Brooks Pharmacy #250, a Reprimand or CQI survey. Second/Sparr. Vote: In support-Sparr, Ryle and Barron. Abstain; Paone. The motion carried.

6. 12:20 p.m. to 1:20 p.m. Lunch
7. 1:20 p.m. to 2 p.m. Board Review of 2001 & 2002 Continuing Education Audit Documentation
8. 2 p.m. to 2:40 p.m. Investigative Conference: DS-03-018 & PH-03-031
In the matter of Walgreens Pharmacy #3151, 320 Park Ave., Worcester, MA 01610 (Permit #2470) and Roya Banaie, R.Ph. (License #23843)

Complaint alleged that on June 7, 2002, the Registrant dispensed Serzone 200mg rather than Seroquel 200mg as prescribed while employed at above noted Walgreens Pharmacy.

Present for discussion:

Complainant: Present Richard J. Pentland, Esq.

Registrant: Roya Banaie

Manager of Record: Michael Godek

Walgreens representative: Leslie Higgins

Investigator: Leslie S. Doyle

CEs: Registrant and Manager of Record compliant.

Complainant stated she contacted Michael Godek on June 11, 2003 about the error which she discovered after watching a television advertisement for prescription medication. No offer to counsel was not made by the pharmacy. She was hospitalized relating to the error.

The Registrant acknowledged responsibility for the error and stated she had contacted the prescriber's office to follow up on the patient's welfare. A floater pharmacist was on duty on the day of the error.

Mr. Godek stated the prescribing physician had notified him about the error and represented that the patient ingested three doses of incorrect medication. Godek completed an error report on the day of notification. He apprised all pharmacy staff about the incident and implemented corrective measures. Godek said that pharmacy staffing was appropriate on the incident date.

Walgreens Rep. (Higgins) stated that image technology verification software was operational and that apparently the final verification step was missed by the checking pharmacist. Walgreens policy requires pharmacist to conduct final prescription verification. Walgreens quality assurance department reviews pharmacy incident reports and a prescription cannot be sold unless it has been scan verified by a pharmacist.

Board Decision:

Motion/Paone to issue an Advisory Letter to the Registrant to include the completion of USP Medication Error Report and a 2-hour medication error reduction CE program with verification that the Registrant has reviewed Walgreens corporate policy regarding proper medication error response. Second/Barron. The motion carried.

Motion/Paone to issue an Advisory Letter to Walgreens Pharmacy #3152 to include a response from the Manager of Record regarding the following: 1) The pharmacy department shall consider utilizing the basket method as such relates to prescription processing and final product verification, 2) The Manager of Record shall ensure that pharmacy department staff review Walgreens policies and procedures regarding the dispensing process, 3) The Manager of Record shall ensure that pharmacy department staff reviews Walgreens policy and procedures related to medication error (quality related event) consumer incident reporting and appropriate pharmacy follow up protocols; 4) The Manager of Record will conduct an in-service for pharmacy staff regarding the appropriate use of automated dispensing technology, 5) The Manager of Record shall reinforce the "Offer to Counsel" requirement with pharmacy department staff, and 6) The Manager of Record shall inquire with Walgreens corporate office regarding the feasibility of incorporating the concept of "Tall-Man Lettering" into prescription labeling for look alike and or sound alike medications. Second/Sparr. The motion carried.

9. 2:40 p.m. to 3:00 p.m. Reinstatement Request: Litume Enany, R.Ph., (License No. 20224).

The Registrant requested a reduction in number of internship hours required for reinstatement and ability to complete internship in New Jersey.

The Registrant stated that she practiced full time in a retail pharmacy in Cameroon and was responsible for oversight of technicians, dispensing verifications and patient counseling. Registrant is enrolled in a New Jersey nursing program in New Jersey. The Registrant did not complete any CEs during the period that she practiced pharmacy in Cameroon.

Board Decision:

Motion/Sparr to require the Registrant to complete 500 hours of internship and that such internship may be completed in NJ. Second/Paone. The motion carried.

10. 3 p.m. to 3:30 p.m. Administrative Business Items:

- A. In the matter of PH-02-058 - Deborah S. Forand, R.Ph. (License No. 21697): Request for termination of suspension. DHPL MPRS Coordinator Tim McCarthy provided the MPRS recommendation. Motion/Sparr to terminate suspension. Second/Paone. The motion carried. The Registrant will be placed upon probation for the balance of the MPRS contract.
- B. Application for Pharmacy Technician Registration (Lacey C. Nice); Review of related correspondence and recommendation letter from James R. Stephen, R.Ph. Recused: Donna Horn. Motion/Sparr to affirm the Boards vote to deny registration. Second/Paone. Vote: In support- Paone, Ryle, Barron and Sparr. The motion carried.
- C. Board decision in the matter of DS-03-006 & PH-03-013: Investigative Conference held January 21, 2003. Motion/Paone to issue an Advisory Letter to the Registrant to include the completion of USP Medication Error Report and a 2-hour medication error reduction CE program. Second/Ryle. The motion carried. Motion/Horn to offer CVS Pharmacy a Reprimand or CQI survey. If CVS chooses the Reprimand then the Board may seek related probationary terms. Second/Sparr. The motion carried unanimously.
- D. Marie-Claire Pilon, R.Ph., (License No. 18423) correspondence related to January 07, 2003 Board reinstatement decision. Motion/Horn to affirm however, she may do the internship anywhere in the United States. Second/Ryle. The motion carried.
- E. In the matter of PH-00-107: Christopher Comfort, R.Ph. (License No. 20758): Motion for Summary Decision / Board Counsel. The Board reviewed the proposed ruling for summary suspension and entertained discussion. Harold Sparr is the Board designee for any sanction hearing.
- F. Canadian drug storefronts: Board affirmed opposition.

11. 3:30 p.m. Motion/Paone to Adjourn. Second/Horn. Meeting Adjourned.

Respectfully submitted by:

 5.28.03
Executive Director Date


Printed Name

Reviewed by counsel: April 30, 2003
Draft approved: April 30, 2003
Board adopted: May 13, 2003